THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.23382 of 2007

Between:

N.Jagadish and another.

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PETITIONERS

and

The Deputy Collector.

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RESPONDENT

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ORDER:

It is the case of the petitioners that the 1st petitioner is the son and the 2nd petitioner is the father. The 2nd petitioner along with three others namely one Sunchu Vishnu Kumar, A.Krishna Rao and Smt.Matha Mahalaxmi purchased the lands admeasuring Ac 0-22 gts. in Sy.No.237, Ac.0-20 gts. in Sy.No.242, Ac.0-26 gts. in Sy.No.243 and Ac.2-28 gts. in Sy.No.244 respectively situated at Shamshiguda village, Ranga Reddy District, vide Sada Sale Deed, dated 06-05-1966. However, the said Sada Sale Deed has not been regularized under Section 5-A of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short "the Act").

It is further stated that the 2nd petitioner and three others filed a suit O.S.No.3905 of 2006 on the file of Principal Junior Civil Judge, Ranga Reddy District, against some third parties with reference to the lands in question and the said suit was decreed through judgment and decree, dated 23-06-2007, directing the defendants therein not to interfere with the petitioners peaceful possession and enjoyment of the lands in question. Thereafter, the 1st petitioner filed an application on 13-07-2007 before the respondent through E-Seva for demarcation of the lands in question. Pursuant to the said application, the respondent got the matter enquired into through the Mandal Revenue Officer and as per the report of the Mandal Surveyor, dated 04-08-2007, the respondent passed order in Memo No.B/9231/07, dated 18-08-2007, stating that the name of the 1st petitioner is not reflected in the revenue records of Shamshiguda village in respect of Sy.Nos.237, 242, 243 and 244 and the tippans with regard to the said survey numbers are not traceable. Therefore, the demarcation of the lands in the said survey numbers cannot be conducted.

Admittedly, the names of the petitioners have not been recorded in the revenue records and unless the said lands have been regularized under Section 5-A of the Act, it cannot be said that the petitioners are the owners of the lands in question and the said lands have been transferred in their favour. However, the prayer of the petitioners is only with regard to

demarcation of the lands in question and the said application has been rejected by the respondent for the reasons stated in the Memo.

Admittedly, the said order is an appealable order under Section 11 of A.P.Survey and Boundaries Act 1923. Therefore, I am of the opinion that it is for the petitioners either to file fresh application before the respondent along with relevant documents with regard to their right, title and possession or file an appeal against the said Memo.

Having regard to the facts and circumstances of the case, the disputed question of fact cannot be decided in this writ petition and therefore, the writ petition does not find any merit and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed with the above observation. There shall be no order as to costs.

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05-11-2007

Prv